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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/696,692 | 10/29/2003 | Craig John Simonds | 201-1112 | 5256 |

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| EXAMINER |
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NGUYEN, THU V

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| ART UNIT | PAPER NUMBER |
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3661

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,692

Applicant(s)

SIMONDS ET AL.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on December 2, 2004 has been entered. By this amendment, all claims 1-14 are still pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McWalter et al (US 2003/0179233) (Mcwalter '233 hereinafter) in view of McWalter et al (US 2003/0182032) (McWalter '032 hereinafter).

As per claim 1, 5, McWalter '233 teaches a system for delivering context-based service to a vehicle, the system comprises: context advisors for providing a source of information (MP3 files, vehicle status information) (para 0043; para 0039; 0036; 0044-0045); an interface for interfacing with an onboard device (pare 0038). Further MCWalter teaches allowing the carlets to store data (para 0024). McWalter '233 does not explicitly teach service agents for filtering information based on a request service, and collecting information to acquire pertinent information. However, McWalter '032 teaches service agents which performs filtering (select specific application such as the oil service carlet) based on a requested service (para 0036); further, acquiring interested information would have been well known. It would have been

Art Unit: 3661

obvious to a person of ordinary skill in the art at the time the invention was made to include filtering specific information taught by McWalter '032 for a specific purpose such as presenting, acquiring and storing interested information in the system of McWalter '233 in order to facilitate presenting, acquiring and storing only interested information.

As per claim 2-3, McWalter '233 teaches vehicle context advisor (vehicle operating condition), and environment context advisor (seat positions, etc.) (para 0032); and McWalter '032 teaches a person context advisor (user's preference profile) (para 0037). Further, including off-board services advisors for supplying information from an off-board sources would have been well known.

As per claim 4, McWalter '032 teaches performing preemptive information collection pertaining to passenger information (para 0037; 0047).

As per claim 6-7, McWalter '032 teaches a travel agent, entertainment agent, and personal information management agent (para 0037; 0028), and interfacing with a portable device (para 0028).

As per claim 8-14, refer to claims 1-7 above.

Response to Arguments

3. Applicant's arguments filed December 2, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument on page 3, third paragraph, both McWalter '233 and McWalter '032 teach using a carlet or carlets to perform context filtering of needed information. Specifically, McWalter'233 teaches selecting just information needed for speech interface, or limited information fitted to the size of the screen (or, to say in other way, McWalter'233 teaches filtering needed information from the list of the received information) (para 0043, 0045, 0048-0049). In the same context, McWalter'032 teaches an agent capable of filtering only needed information and selecting only the "oil service carlet" to display the oil level while not selecting the carlet that does not provide relevant information concerning the requested "fluid check" such as the "tow" or "stolen" carlets. Therefore both McWalter'233 and McWalter'032 teaches filtering to acquire pertinent information. Concerning storing the pertinent information, although McWalter'032 does not explicitly teach storing the pertinent information, in paragraph 0036, McWalter'032 teaches providing "low oil" status to the registered application program so that the "check fluids" state is selected, moreover, the mode manager can be able to switch or update the state of the vehicle to other states such as tow or stolen, and the selected application is available for being queried (para 0034). It would have been well known that to update an information, to provide answer when being queried, or to display information to the user, such the information should be stored at least in a temporary buffer so that the information can be available either for further processing or for outputting, therefore, McWalter'032 obviously encompasses storing the pertinent information such as the vehicle status, the oil level, etc. in a

well known working memory. Moreover, McWalter '233 do teach providing a public programming interface to which the carlets can write (save) to, and can retrieve the saved data from the interface (McWalter '233 para 0024).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 18, 2005



THU V. NGUYEN
PRIMARY EXAMINER